

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

JOHN E. CARTER]	
Petitioner,]	
]	
v.]	No. 2:12-0029
]	Judge Sharp
DAVID SEXTON, WARDEN]	
Respondent.]	

O R D E R

On May 17, 2012, an order (Docket Entry No.14) was entered transferring the instant § 2254 habeas corpus action to the Sixth Circuit Court of Appeals.

Since the entry of that order, the petitioner has filed a Notice of Appeal (Docket Entry No.21), an application to proceed on appeal in forma pauperis (Docket Entry No.22), and an application for a certificate of appealability (Docket Entry No.23).

A certificate of appealability will issue only if the petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). The petitioner has made no such showing. Therefore, his request for a certificate of appealability is hereby DENIED.

Having determined that it would not be appropriate to issue a certificate of appealability, an appeal would not be brought in good faith. 28 U.S.C. § 1915(a)(3). Accordingly, petitioner's

application to proceed on appeal in forma pauperis is also DENIED. The Clerk shall forward a copy of this order to the Clerk of the Sixth Circuit Court of Appeals.

It is so ORDERED.

Kevin H. Sharp

Kevin H. Sharp
United States District Judge